

1       “When an application for an order has been made to a judge, or to a court, and refused in  
2 whole or in part, or granted, or granted conditionally, or on terms, any party affected by the  
3 order may, within 10 days after service upon the party of written notice of entry of the order  
4 and based upon new or different facts, circumstances, or law, make application to the same  
judge or court that made the order, to reconsider the matter and modify, amend, or revoke  
the prior order.”

5       The purpose of Code Civ. Proc. § 1008 is “to conserve the court's resources by constraining  
6 litigants who would attempt to bring the same motion over and over.” *Darling, Hall & Rae v. Kritt*,  
7 75 Cal. App. 4th 1148, 1157, 89 Cal. Rptr. 2d 676 (2d Dist. 1999), as modified on denial of reh'g,  
8 (Oct. 26, 1999).

9       A court has broad power to reconsider a prior order on the basis of new or different law.  
10 *Farmers Insurance Exchange v. Superior Court*, 218 Cal. App. 4th 96, 106, 159 Cal. Rptr. 3d 580  
11 (2d Dist. 2013). When entertaining a motion to reconsider on the basis of new or different law, “the  
12 court may consider a number of factors in determining whether to exercise its discretion, including  
13 the importance of the change of law, the timing of the motion, and the circumstances of the case.”  
14 *Id* at 107.

15       The party seeking reconsideration on the basis of new or different law must provide a  
16 satisfactory explanation for failing to produce the law ~~at~~ an earlier time. *Baldwin v. Home Sav. Of*  
17 *America*, 59 Cal. App. 4th 1192, 1200, 69 Cal. Rptr. 2d 592 (1st Dist. 1991) (holding that “the  
18 diligence requirement applicable to motions to reconsider on the basis of different facts is also  
19 applicable to motions to reconsider on the basis of different law”).

20       The different laws that warrant reconsideration of the order made December 7, 2021, which  
21 are summarized in section three below, are as follows: *In re Marriage of Armato* (2001); *Williams*  
22 *v. Williams* (1970); *Keck v. Keck* (1933).

23       As stated in the Declaration of Bianca Kaylene Ruiz, the case laws and statutes listed above  
24 and summarized in section three below apply directly to Respondent's offset towards his support  
25 obligations for his past and future payments of the debt associated with the car in Petitioner's  
26  
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1 possession (Ruiz Decl., ¶13). A modification of the initial ruling is therefore warranted, as these  
2 laws were not considered at the time of the order.

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4 **III. STATUTES AND CASE LAW REGARDING SUPPORT OFFSETS FOR**  
5 **RECONSIDERATION OF THE COURT'S PRIOR RULING**

6 A supporting parent cannot offset a debt owed by the custodial parent against his or her  
7 child support obligations where the offset would eliminate or reduce the court-ordered support to  
8 the detriment of the child. (*Williams v. Williams* (1970) 8 Cal.App.3d 636, 639). "A child support  
9 obligation runs to the child and not the parent, a debt owed by the custodial parent to the supporting  
10 parent generally cannot be offset against child support arrearages." (*In re Marriage of Armato*  
11 (2001) 88 Cal.App.4th 1030, 1039).

12 In *Williams*, the court explained: "An order for child support, like alimony, is not an  
13 'ordinary debt' but rather a court-imposed obligation to provide for one's child... In essence, the  
14 parent, to whom such support is paid, is but a mere conduit for the disbursement of that support."  
15 (*Williams*, at pp. 639-640.). As the court noted, "the very nature of child support gravitates against  
16 the allowance of the setoff sought. Such support is strongly favored in the law and statutes  
17 providing for it are to be liberally construed to promote their purpose of protecting the family." (Id.  
18 at p. 640.)

19 In *Keck v. Keck* (1933) 219 Cal. at pp. 317-320, on an order to show cause, the trial court set  
20 off against an alimony arrearage, a debt of the wife to the husband. On wife's appeal, the Supreme  
21 Court found that the marital duty of the husband to support the wife was not suspended because the  
22 wife was indebted to him, and that the obligation to pay alimony is founded on this duty and is not  
23 an ordinary debt; also that a decree for alimony may not be modified as to accrued installments and  
24 that the set-off had that effect. In *Keck*, the Supreme Court found that (1) support is intended to  
25 provide the necessities of life and (2) support cannot be modified retroactively.

1 **IV. THE LAWS COULD NOT REASONABLY HAVE BEEN PRESENTED EARLIER.**

2 As stated in the Declaration of Bianca Kaylene Ruiz, Petitioner was unable to present and  
3 argue the laws summarized in section three above that relate directly to Respondent's request for a  
4 dollar-for-dollar setoff of his child and spousal support obligation and arrearage for his past and  
5 future payments of the debt associated with the 2013 Audi in Petitioner's possession (Ruiz Decl.,  
6 ¶18).

7 As also stated in the Declaration of Bianca Kaylene Ruiz, Petitioner's attempts and requests  
8 to present her case, state her positions, and respond to opposing counsel's arguments were denied  
9 by the court. Petitioner was told she would have an opportunity to speak, but that time never came  
10 (Ruiz Decl., ¶¶6, 8, 9, 10, 11, 18, 19). Upon her return to Utah, Petitioner promptly began preparing  
11 this motion for reconsideration (Ruiz Decl., ¶¶16, 20) as a vehicle to present the case law and  
12 statutes she was prevented from presenting at the time of the hearing.

14 **V. THIS MOTION IS TIMELY MADE.**

15 Under Code Civ. Proc. § 1008(a), motions to reconsider must be made "within 10 days after  
16 service upon the party of written notice of entry of the order." As stated in the Declaration of Bianca  
17 Kaylene Ruiz, Petitioner received the minute order on December 7, 2021 (Ruiz Decl., ¶15).  
18 Petitioner then filed and electronically served this motion for reconsideration on December 15,  
19 2021, eight (8) days after (Ruiz Decl., ¶20). Petitioner's motion for reconsideration is therefore  
20 timely.

22 **VI. CONCLUSION.**

23 Based on the foregoing law summarized in section three above, Plaintiff respectfully  
24 requests that this Court reconsider and vacate its prior order granting Respondent's request that he  
25 receive a dollar-for-dollar offset from his support obligations for payments of the debt associated  
26

1 with the car in Petitioner's possession, and enter a new order upon said Reply Declaration, filed  
2 November 24, 2021, consistent with the laws as set forth herein and the attached Declaration.  
3  
4

5 Respectfully presented by:  
6

7 *Bianca Ruiz*  
8 Bianca Kaylene Ruiz, Petitioner in pro per

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28 MEMORANDUM OF POINTS AND AUTHORITIES TO MOTION FOR RECONSIDERATION

**DECLARATION OF BIANCA KAYLENE RUIZ**

I, Bianca Kaylene Ruiz, declare as follows:

1. I am the Petitioner in this matter: dissolution of marriage, case number 19FL-0112. If called upon as a witness, I could and would testify competently to the truthfulness of the following facts, all of which are within my own personal knowledge, except those stated on information and belief, and as to those, I am informed and believe them to be true. I request that the Court receive this declaration into evidence as my direct testimony. Code of Civil Procedure §§ 2009, 2015.5; California Rules of Court Rule 5.111. See Reifler v. Superior Court (1974) 39 Cal. App. 3d 479. See also In re Marriage of Stevenot (1984) 154 Cal. App. 3d 1751.
2. On December 7, 2021 at 1:30 p.m., I was present at the Kings County Superior Court for a hearing regarding my dissolution. It was heard by Court Commissioner Brian N. Chase beginning at approximately 2:30 p.m.
3. The hearing was scheduled when Respondent Jacob Ryan Ruiz ("Respondent") filed a Request for Order on October 4, 2021.
4. Subsequently, I filed a Responsive Declaration on November 18, 2021. Respondent then filed a Reply Declaration on November 24, 2021. We both filed various declarations and other pleadings in support of our positions. All my moving papers were submitted on or before their statutory deadlines.
5. As a preliminary matter, the Court requested I consent to allow my Attorney, Ms. Lacey Sanchez, be let go before the scheduled hearing of December 27, 2021 for that matter. I consented.
6. Immediately following, Hardcastle began to argue his case. I attempted to state my positions for the record but was told I was interrupting.

DECLARATION OF BIANCA KAYLENE RUIZ TO MOTION FOR RECONSIDERATION

- 1       7. The court then recessed for about one hour, from approximately 3:00 p.m. to approximately
- 2                   4:00 p.m.
- 3       8. When court was called back into session, Hardcastle continued arguing his case. Again, I
- 4                   attempted to state my position several times, and each time was told I was interrupting. I
- 5                   also asked the court several times if I would have the opportunity to respond to Hardcastle's
- 6                   arguments, and the court told me that I would.
- 7       9. I was only allowed to speak without interruption when the court asked me direct questions
- 8                   regarding Mr. Hardcastle's arguments.
- 9       10. As the end of the court day approached, I asked for the last time if I would be permitted to
- 10                   respond to Mr. Hardcastle's claims and allegations. The court informed me that I had all
- 11                   afternoon to do that.
- 12       11. Although I was not given the opportunity to present my case as Mr. Hardcastle did, or to
- 13                   respond to his allegations and claims, the court proceeded to make orders regarding the
- 14                   issues as presented by Mr. Hardcastle.
- 15       12. The court continued all matters to a long-cause hearing on March 10, 2021 at 8:15 a.m.,
- 16                   excepting Petitioner's request for attorney fees and Respondent's request for reimbursement
- 17                   of car payments.
- 18       13. The court ordered a dollar-for-dollar credit towards Respondent's child and spousal support
- 19                   obligation and arrearage for his past and future payments of the debt associated with the
- 20                   2013 Audi in Petitioner's possession. The court also ordered Respondent to continue to pay
- 21                   the monthly debt associated with the 2013 Audi in Petitioner's possession. (see Court Order
- 22                   filed 12-07-2021 ("Order"), pg. 3).
- 23       14. The court did not grant my request for attorney's fees, suggesting instead that my boyfriend
- 24                   Mr. Lindsey contribute to my attorney fees (see Order, pg. 1).

25  
26  
27                   DECLARATION OF BIANCA KAYLENE RUIZ TO MOTION FOR RECONSIDERATION

1 15. I was personally given a copy of the Minute Order on December 7, 2021 at the conclusion of  
2 the hearing.

3 16. When I returned home to Utah from California, I promptly began preparing this motion for  
4 reconsideration.

5 17. At the time of preparing and filing this motion for reconsideration, I have not yet received  
6 the reporter's transcript for the hearing of December 7, 2021. I will submit evidentiary  
7 support of my claims in this declaration when I receive it. It can take up to 14 days or more  
8 to receive the reporter's transcript, which would be well past the deadline to file this motion  
9 for reconsideration (10 days).

10 18. If I had been given the opportunity to state my positions and argue my case to the court at  
11 the time of the hearing on December 7, 2021, I would have presented the following laws in  
12 opposition of Respondent's dollar-for-dollar support offset of payments made to the car in  
13 Petitioner's possession:

14 A supporting parent cannot offset a debt owed by the custodial parent against his or  
15 her child support obligations where the offset would eliminate or reduce the court-  
16 ordered support to the detriment of the child. (*Williams v. Williams* (1970) 8  
17 Cal.App.3d 636, 639). "A child support obligation runs to the child and not the  
parent, a debt owed by the custodial parent to the supporting parent generally cannot  
be offset against child support arrearages." (*In re Marriage of Armato* (2001) 88  
Cal.App.4th 1030, 1039).

18 In *Williams*, the court explained: "An order for child support, like alimony, is not an  
19 'ordinary debt' but rather a court-imposed obligation to provide for one's child... In  
20 essence, the parent, to whom such support is paid, is but a mere conduit for the  
21 disbursement of that support." (*Williams*, at pp. 639-640.). As the court noted, "the  
22 very nature of child support gravitates against the allowance of the setoff sought.  
Such support is strongly favored in the law and statutes providing for it are to be  
23 liberally construed to promote their purpose of protecting the family." (Id. at p. 640.)

24 In *Keck v. Keck* (1933) 219 Cal. at pp. 317-320, on an order to show cause, the trial  
25 court set off against an alimony arrearage, a debt of the wife to the husband. On  
26 wife's appeal, the Supreme Court found that the marital duty of the husband to  
support the wife was not suspended because the wife was indebted to him, and that  
the obligation to pay alimony is founded on this duty and is not an ordinary debt;  
also that a decree for alimony may not be modified as to accrued installments and  
that the set-off had that effect. In *Keck*, the Supreme Court found that (1) support is  
intended to provide the necessities of life and (2) support cannot be modified  
retroactively.

1 19. I was unable to produce and present these laws at the hearing of December 7, 2021 because  
2 the court refused my attempts and requests to present my case and state my positions during  
3 the hearing, as outlined in the paragraphs above.  
4 20. I filed and served this motion for reconsideration on December 15, 2021, 8 days after I  
5 received the minute order (see paragraph 15 above). I have met the deadline for filing and  
6 serving this motion for consideration, which is 10 days after receiving the order.  
7

8 I declare under penalty of perjury under the laws of the state of California that the foregoing  
9 is true and correct.

10  
11 DATED: DECEMBER 15, 2021

Bianca Ruiz  
Bianca Kaylene Ruiz  
Petitioner in pro per

27 DECLARATION OF BIANCA KAYLENE RUIZ TO MOTION FOR RECONSIDERATION  
28

POS-050/EFS-050

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:		FOR COURT USE ONLY
NAME: BIANCA KAYLENE RUIZ		
FIRM NAME:		
STREET ADDRESS: 1353 W BISON DR		
CITY: RIVERTON		STATE: UT ZIP CODE: 84065
TELEPHONE NO.: 808-250-3396		FAX NO.:
E-MAIL ADDRESS: BIANCAKAYLENERUIZ@GMAIL.COM		
ATTORNEY FOR (name): PETITIONER IN PRO PER		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS		
STREET ADDRESS: 1640 KINGS COUNTY DRIVE		
MAILING ADDRESS: 1640 KINGS COUNTY DRIVE		
CITY AND ZIP CODE: HANFORD 93230		
BRANCH NAME: HANFORD COURTHOUSE		
PLAINTIFF/PETITIONER: BIANCA KAYLENE RUIZ		CASE NUMBER: 19FL-0112
DEFENDANT/RESPONDENT: JACOB RYAN RUIZ		JUDICIAL OFFICER: HONORABLE BRIAN N. CHASE
PROOF OF ELECTRONIC SERVICE		DEPARTMENT: 4

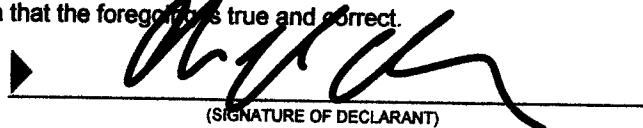
1. I am at least 18 years old.
  - a. My residence or business address is (specify):  
1353 W BISON DR  
RIVERTON UT 84065
  - b. My electronic service address is (specify):  
CLINT.J.LINDSEY@GMAIL.COM
2. I electronically served the following documents (exact titles):  
Request for Order: Motion for Reconsideration re Attorney Fees  
Request for Order: Motion for Reconsideration re Child Support Offset  
 The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)
3. I electronically served the documents listed in 2 as follows:
  - a. Name of person served: WAYNE HARDCASTLE  
On behalf of (name or names of parties represented, if person served is an attorney):  
JACOB RYAN RUIZ
  - b. Electronic service address of person served :  
WAYNE@MHJ.LAW,
  - c. On (date): DEC 15, 2021  
 The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment. (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: DECEMBER 15, 2021

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CLINT J LINDSEY

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

Page 1 of 1

# **EXHIBIT 7**

**12-22-2021 Letter from Defendant Hardcastle**

**LAW OFFICES OF  
MAROOT, HARDCASTLE & JOLLY**

**K. PHILLIP MAROOT**

**V. WAYNE HARDCASTLE**

**TIM W. JOLLY**

**429 North Redington Street**

**Hanford, CA 93230**

**(559) 584-0131**

**Visalia (559) 734-3540**

**Facsimile (559) 584-7625**

December 22, 2021

Mrs. Bianca Ruiz

**VIA EMAIL:** [biancakayleneruiz@gmail.com](mailto:biancakayleneruiz@gmail.com)

***RE: Marriage of Ruiz; Kings County Superior Court No. 19FL-0112***

Dear Mrs. Ruiz:

I am in receipt of your Request for Order re Motion for Reconsideration of Prior Order re Child Support Offset. The date of January 27, 2022 was not cleared with my calendar. It is common courtesy and Kings County Local Rules require that my office be contacted and the date cleared with my calendar. I am not available on that date. I am out of town for depositions that day. I can be available on any of the following dates:

February 10 at 1:30 p.m.

February 24 at 8:15 a.m. or 1:30 p.m.

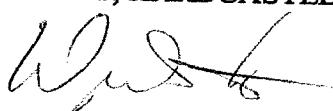
March 1 at 8:15 a.m. or 1:30 p.m.

I have prepared and enclose a Stipulation to Continue the Hearing. If you will agree to the continuance, please pick one of the aforementioned dates and insert it in the Stipulation. Then date and sign where indicated and return it to me. I will file it with the Court and pay the required fee.

Thank you for your anticipated cooperation in this regard.

Sincerely,

**MAROOT, HARDCASTLE & JOLLY**



**BY: WAYNE HARDCASTLE**

WH:smr

Attachment

cc: Jacob Ruiz (Via Email)

# **EXHIBIT 8**

**12-22-2021 Letter to Defendant Hardcastle**

**Bianca Ruiz**  
[biancakayleneruiz@gmail.com](mailto:biancakayleneruiz@gmail.com)

**December 22, 2021**

**Mr. Wayne Hardcastle**  
**VIA EMAIL ONLY:** [wayne@mhi.law](mailto:wayne@mhi.law)

**IRMO Ruiz; 19FL-0112**

**Mr. Hardcastle:**

I write in reply to your email of December 22, 2021 in which you request a continuance to the hearing scheduled January 27, 2022. While I do sympathize that the Kings County Clerk did not contact you to clear the date with your calendar, time is of the essence in this upcoming hearing.

As you are aware, the court ordered a setoff of debt against Mr. Ruiz' support obligations that is in violation of both the Bankruptcy Code and California Law. Until the court voids and reverses its error, funds needed to support my children are being withheld.

I would be willing to stipulate to an earlier date to accommodate your calendar. What dates would you be available *before* the scheduled hearing of January 27, 2022?

I teach classes Monday through Friday on campus and am therefore not available at the following times: beginning 11:00 a.m. on Mondays, Wednesdays, and Fridays, and beginning 12:00 p.m. Tuesdays and Thursdays.

Respectfully,  
**Bianca Ruiz**  
**Petitioner in Pro Per**

# **EXHIBIT 9**

12-23-2021 Letter to Defendant Hardcastle



Bianca Ruiz <biancakayleneruiz@gmail.com>

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**Re: Marriage of Ruiz**

1 message

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Bianca Ruiz <biancakayleneruiz@gmail.com>  
To: Wayne Hardcastle <wayne@mhj.law>

Thu, Dec 23, 2021 at 3:51 PM

As a common courtesy, I am notifying you of my intent to file for actual and punitive damages pursuant to 11 U.S.C. § 362(k) in the United States Court of Appeals for the Tenth Circuit for the violation of the automatic stay of bankruptcy. If you would like to stipulate to reverse and vacate the legally void setoff order before its effects are felt on January 1, 2021, please let me know.

# **EXHIBIT 10**

**12-27-2021 Notice of Violation of Stay**

12/27/2021 8:00 AM

Nocona Soboleski, Clerk of Court  
Superior Court of the State of California  
County of Kings



Deputy

  
Marilu Ponce

1 BIANCA KAYLENE RUIZ  
1353 West Bison Drive  
2 Riverton, Utah 84065  
2 808-250-3396  
3 biancakayleneruiz@gmail.com  
3 Petitioner In Pro Per  
4  
5  
6  
7  
8

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF KINGS**

11 BIANCA KAYLENE RUIZ, ) Case No.: 19FL-0112  
12 Petitioner, ) Honorable Brian N. Chase  
13 vs. )  
14 JACOB RYAN RUIZ, ) **NOTICE OF VIOLATION OF**  
15 ) **BANKRUPTCY STAY**  
16 Respondent. ) **11 U.S.C. § 362**  
17 )  
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**TO RESPONDENT AND HIS ATTORNEY OF RECORD:**

This notice sets forth statutes and case law governing the automatic stay of bankruptcy, relief from the stay, the right of setoff, California support setoffs, and redress of violations. I send this notice so there is no question that all parties involved have knowledge of the stay as they willfully continue to allow the actions constituting the violation, namely the order of the trial court dated December 7, 2021 which authorized a setoff of debt against support obligations.

1     **I. The Automatic Stay**

2     Bankruptcy Code § 362(a)<sup>1</sup> imposes an automatic stay as of the petition date and  
3 serves as “one of the fundamental protections that the Bankruptcy Code affords to debtors.”  
4 *In re McKenna*, 566 B.R. 286, 288 (Bankr. D.R.I. 2017) (quoting *In re Jamo*, 283 F.3d 392,  
5 398 (1<sup>st</sup> Cir. 2002) (citations omitted)).

6     In the present case, Petitioner Bianca Kaylene Ruiz has been under the protection of  
7 the automatic stay since November 10, 2021.

8

9     **II. Relief From The Automatic Stay**

10    A creditor must obtain a court order from the granting relief from the Automatic Stay  
11 to have the right to act against a debtor or property of the estate. This is true regardless of  
12 what type of action a creditor has already filed against the debtor in another court. Any  
13 action taken in violation of the automatic stay in the Tenth Circuit<sup>2</sup> is automatically void  
14 (*Ellis v. Consolidated Diesel Elec. Corp.*, 894 F.2d 371 (10th Cir. 1990)).

15    In the present case, the Utah Bankruptcy Court has not granted a relief from the  
16 automatic stay that would allow a setoff or assessment of any kind against Petitioner Bianca  
17 Kaylene Ruiz.

18

19     **III. Right of Setoff**

20    The stay applies despite the Bankruptcy Code's general application of non-  
21 bankruptcy law where such law does not contradict its provisions. Among these provisions

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25    <sup>1</sup> Section 362(a) states in pertinent part: “[A] petition filed under section 301, 302, or 303 of this  
26 title...operates as a stay, applicable to all entities, of - (6) any act to collect, assess, or recover a claim against the debtor  
27 that arose before the commencement of the case under this title; (7) the setoff of any debt owing to the debtor that arose  
before the commencement of the case...”

2    <sup>2</sup> Petitioner's bankruptcy was filed in the State of Utah, which is in the Tenth Circuit

1 that recognize and apply state law is 11 U.S.C. § 553<sup>3</sup>, which addresses the right of setoff.  
2 "Set-off is an equitable right of a creditor to deduct a debt it owes to the debtor from a claim  
3 it has against the debtor arising out of a separate transaction." (Collier, ¶553.03<sup>4</sup>). However,  
4 the right of setoff only exists under applicable state law and is not "created" by Section 553  
5 (Collier, ¶553.01). 11 U.S.C. § 553 "merely recognizes and preserves" the right of setoff  
6 under applicable nonbankruptcy law. (*Id.*)

7 In the present case, even if relief was obtained from the automatic stay for  
8 Respondent's mutual debt with Petitioner, California does not permit setoffs against support  
9 obligations or arrearages.

10

11 **IV. Support Setoffs in California**

12 In *Williams v. Williams*, 8 Cal. App. 3d 636, 87 Cal. Rptr. 754 (Ct. App. 1970), the  
13 court ordered the husband to pay both alimony and child support to wife. After support had  
14 been ordered, the husband and wife agreed that the husband would manage a jointly owned  
15 apartment house. In managing the apartment house, the husband incurred a loss, so he  
16 deducted the wife's proportional share of the loss from her support payments. (*Id.* at pp.  
17 638-639.) The Court of Appeal held that the husband could not use the debt owed by the  
18 wife to the husband to offset his support obligations. The court wrote: "The rationale behind  
19 such rule is that alimony is not an ordinary debt but a marital duty of the husband to support  
20 his wife. To allow such a setoff would amount to a retroactive alteration of alimony  
21 payments<sup>5</sup> . . . ." (*Id.* at p. 639.) The court applied the same rule to child support because it  
22 "is not an 'ordinary debt' but rather a court-imposed obligation to provide for one's child."  
23

24

25 <sup>3</sup> Section 553 states in pertinent part: "[T]his title does not affect any right of a creditor to offset a mutual debt  
owing by such creditor to the debtor that arose before the commencement of the case under this title against a claim of  
such creditor against the debtor that arose before the commencement of the case..."

26 <sup>4</sup> Levin, R., & Sommer, H. J. (2009). *Collier on Bankruptcy*. LexisNexis.

27 <sup>5</sup> California Family Code §§ 3651(c)(1) and 3653(a) prohibit retroactive modification  
of support beyond the date the original motion for modification was filed.

1 (Ibid.)

2 “[S]ince a child support obligation runs to the child and not the parent, a debt owed  
3 by the custodial parent to the supporting parent generally cannot be offset against child  
4 support arrearages.” (*In Re Marriage Of Armato*, 106 Cal. Rptr. 2d 395, 88 Cal. App. 4th  
5 1030 (Ct. App. 2001).). Likewise, in *In Re Marriage Of Stutz*, 126 Cal. App. 3d 1038, 179  
6 Cal. Rptr. 312 (Ct. App. 1981), the court refused to allow a supporting husband to setoff  
7 mortgage payments he made towards the home wife lived in against his support obligations  
8 and arrearages. The Honorable Nancy Gertner summarized it best when she concluded that  
9 California case law “appears to support the view that child support in the form of arrearages  
10 is a debt owed to the children if the children stand to benefit from the payments.” (*US v.*  
11 *Dann*, No. 08-00390 CW (N.D. Cal. July 22, 2010).)

12 In the present case, setoffs against support arrearages and support obligations are not  
13 permitted in California.

14

15 **V. Redress of Debtor for Stay Violations**

16 Redress for violation of the stay is available under § 362(k)(1), which provides that a  
17 debtor injured by a “willful violation” of the automatic stay “shall recover actual damages,  
18 including costs and attorneys’ fees, and, in appropriate circumstances, may recover punitive  
19 damages.”

20

21 **VI. Elements to Prove Damages**

22 A debtor seeking damages under this provision bears the burden of proving, by a  
23 preponderance of the evidence – in other words, a standard of more likely than not – three  
24 elements: “(1) that a violation of the automatic stay occurred; (2) that **the violation was**  
25 **willfully committed**; and (3) that the debtor suffered damages as a result of the violation.”  
26 *Slabicki v. Gleason (In re Slabicki)*, 466 B.R. 572, 577-78 (B.A.P. 1st Cir. 2012) (citations  
27

1 omitted). “A willful violation does not require a specific intent to violate the automatic stay.  
2 The standard for a willful violation . . . is met if there is knowledge of the stay and the  
3 defendant intended the actions which constitute the violation.” *Fleet Mortg. Group v.*  
4 *Kaneb*, 196 F.3d 265, 269 (1st Cir. 1999) (citations omitted). “In cases where the creditor  
5 received actual notice of the automatic stay, courts must presume that the violation was  
6 deliberate.” *Id.*

7

8 **VII. Emotional Distress**

9 Emotional distress is considered “actual damage” under § 362(k)(1). *Id.*; *Heghmann*  
10 *v. Indorf (In re Heghmann)*, 316 B.R. 395, 405 (B.A.P. 1st Cir. 2004). “[A]ctual damages  
11 should be awarded only if there is concrete evidence supporting the award of a definite  
12 amount.” *Id.* (citations omitted). However, courts have awarded emotional distress damages  
13 without medical evidence or corroborating testimony. See *Bererhout v. City of Malden (In*  
14 *re Bererhout)*, No. 09-18956-JNF, Adv. P. No. 09-1314, 2011 Bankr. LEXIS 2097, at \*16-  
15 17 (Bankr. D. Mass. May 24, 2011); *Varela v. Quinones Ocasio (In re Quinones Ocasio)*,  
16 272 B.R. 815, 824-25 (B.A.P. 1st Cir. 2002); *In re Tine*, BK No. 11-12604, 2012 Bankr.  
17 LEXIS 2092, at \*8 (Bankr. D.R.I. May 4, 2012).

18 Courts also have considered instances where emotional distress is accompanied by  
19 actual financial injury. See, e.g., *Swilling v. ACA Fin. Servs. (In re Swilling)*, No. 07-11273-  
20 WRS, Chapter 7, Adv. Pro. No. 08-1016-WRS, 2008 Bankr. LEXIS 3124, at \*24-25 (Bankr.  
21 M.D. Ala. Nov. 20, 2008) (awarding \$5,000.00 in emotional distress damages when a  
22 creditor intercepted the debtor’s social security check); *Matthews v. United States (In re*  
23 *Matthews)*, 184 B.R. 594, 600-01 (Bankr. S.D. Ala. 1995) (awarding \$3,000.00 for loss of  
24 use of \$1,800.00 tax refund for one year and debtors’ testimony about how upset and  
25 stressed they and their children became as a result of the wrongful stay violations and  
26 seizure of their tax refund).

27

28

1  
2 **VIII. Attorney's Fees**

3 As to attorney fees, in the awarding of damages under Bankruptcy Code § 362(k),  
4 “an award of fees reasonably incurred is mandated by the statute; courts awarding fees  
5 under § 362(k) thus retain the discretion to eliminate unnecessary or plainly excessive fees.”  
6 *In re Silk*, 549 B.R. 297, 302 (Bankr. D. Mass. 2016) (quoting *America’s Servicing Co. v.*  
7 *Schwartz-Tallard (In re Schwartz-Tallard)*, 803 F.3d 1095, 1101 (9th Cir. 2015) (citation  
8 omitted)). “The reasonableness of fees is determined in accordance with § 330 of the  
9 Bankruptcy Code.” *Id.* (quoting *Lopez v. Consejo de Titulares del Condominio Carolina*  
10 *Court Apts. (In re Lopez)*, 405 B.R. 24, 32-33 (B.A.P. 1st Cir. 2009)).

11 Section 330(a)(1) authorizes the bankruptcy court to award “reasonable  
12 compensation for actual, necessary services rendered . . . based on an after-the-fact  
13 consideration of ‘the nature, the extent, and the value of such services, taking into account  
14 all relevant factors.’” *In re Mendez*, No. 05-06196 (ESL), 2012 Bankr. LEXIS 3693, at \*4  
15 (Bankr. D.P.R. Aug. 9, 2012) (quoting 11 U.S.C. § 330(a)(1), (3)).

16  
17 **IX. Punitive Damages**

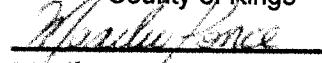
18 On the other hand, the imposition of punitive damages requires more than a mere  
19 willful violation of the automatic stay. *Heghmann*, 316 B.R. at 405. Factors to consider  
20 include: “(1) the nature of the creditor’s conduct; (2) the creditor’s ability to pay damages;  
21 (3) the motive of the creditor; and (4) any provocation by the debtor.” *Id.*

22 “The cases interpreting ‘appropriate circumstances’ in 11 U.S.C. § 362(k)(1) indicate  
23 . . . that egregious, intentional misconduct on the violator’s part is necessary to  
24 support a punitive damages award. [S]uch awards are reserved for cases in which the  
25 violator’s conduct amounts to something more than a bare violation justifying  
compensatory damages or injunctive relief. To recover punitive damages, the violator  
must act with actual knowledge that he is violating a federally protected right or with  
reckless disregard of whether he is doing so.”

26 *In re Barboza*, 211 B.R. 450, 453 (Bankr. D.R.I. 1997) (citations omitted).

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*Bianca Ruiz*  
3 BIANCA KAYLENE RUIZ  
4 Petitioner In Pro Per  
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ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>NAME: BIANCA KAYLENE RUIZ</b> FIRM NAME: STREET ADDRESS: 1353 W BISON DR CITY: RIVERTON TELEPHONE NO.: 808-250-3396 E-MAIL ADDRESS: BIANCAKAYLENERUIZ@GMAIL.COM ATTORNEY FOR (name): PETITIONER IN PRO PER	STATE BAR NO: STATE: UT ZIP CODE: 84065 FAX NO.:	FOR COURT USE ONLY FILED 12/27/2021 8:00 AM Nocona Soboleski, Clerk of Court Superior Court of the State of California County of Kings  <b>Deputy Marilu Ponce</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS</b> STREET ADDRESS: 1640 KINGS COUNTY DRIVE MAILING ADDRESS: 1640 KINGS COUNTY DRIVE CITY AND ZIP CODE: HANFORD 93230 BRANCH NAME: HANFORD COURTHOUSE		CASE NUMBER: <b>19FL-0112</b>
<b>PLAINTIFF/PETITIONER: BIANCA KAYLENE RUIZ</b> <b>DEFENDANT/RESPONDENT: JACOB RYAN RUIZ</b>		JUDICIAL OFFICER: <b>HONORABLE BRIAN N. CHASE</b>
<b>PROOF OF ELECTRONIC SERVICE</b>		

1. I am at least 18 years old.
  - a. My residence or business address is (specify):  
**1353 W BISON DR  
RIVERTON UT 84065**
  - b. My electronic service address is (specify):  
**CLINT.J.LINDSEY@GMAIL.COM**
2. I electronically served the following documents (exact titles):  
**NOTICE OF VIOLATION OF BANKRUPTCY STAY**

The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:
  - a. Name of person served: **WAYNE HARDCastle**  
On behalf of (name or names of parties represented, if person served is an attorney):  
**JACOB RYAN RUIZ**
  - b. Electronic service address of person served :  
**WAYNE@MHJ.LAW**
  - c. On (date): **DEC 23, 2021**

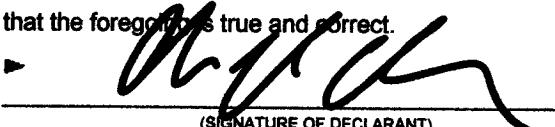
The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment. (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **DECEMBER 23, 2021**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**CLINT J LINDSEY**

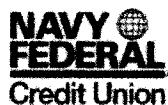
(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

Page 1 of 1

# **EXHIBIT 11**

**01-03-2022 Mutual Loan Transaction History**



ARMY  
MARINE CORPS  
NAVY  
AIR FORCE  
COAST GUARD  
SPACE FORCE  
VETERANS

## Used Vehicle Loan - \*\*\*\*\*0584 ◎

**Current Balance** \$3,022.13

**Payment Due** \$506.85  
 Due 01/14/2022 PAY

Information may not reflect recent transactions to your account until the next business day.

### ► Additional Account Information

Scheduled Transactions ?

Date	Description	Amount
------	-------------	--------

There are no transactions to display.

Transaction History

Date	Description	Amount	Balance
12/14/2021	TRANSFER PYMT	\$506.85	\$3,022.13
11/22/2021	TRANSFER PYMT	\$506.85	\$3,521.46
10/15/2021	TRANSFER PYMT	\$506.85	\$4,013.52
07/22/2021	TRANSFER PYMT	\$506.85	\$4,483.41

Show More ▾

(06/03/2021 - 07/03/2021)

# **EXHIBIT 12**

01-03-2022 Case Details: California Department of Child Support Services

2:28 PM Tue Jan 4

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  [cse.ca.gov](https://cse.ca.gov)    

**REDACTED**

 California Child Support **BIANCA RUIZ** **REDACTED**  Logout

**Customer CONNECT**      [Home](#) [Payments](#) [Documents](#) [Messages](#) [Other Party](#)

## Home

**Appointments**

THU 27 Jan	THU 10 Mar	FRI 11 Mar
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**Case Number:** **REDACTED**  
**Date:** 01/27/2022  
**Time:** 02:30 PM - 03:00 PM  
**Appointment Type:** SUPERIOR COURT HEARING

**SELECT CASE TO VIEW DETAILS:**

**Case Number:** **REDACTED**  
**Other Party:** JACOB RUIZ

## CASE DETAILS

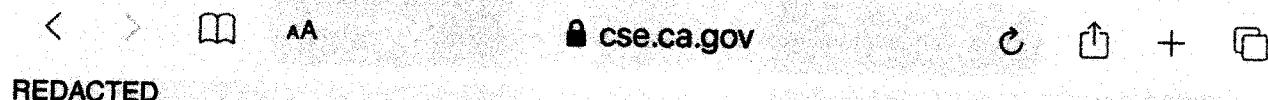
### Case Information

<b>Case Number:</b>	<b>REDACTED</b>
<b>County:</b>	<b>KINGS</b>
<b>Role:</b>	<b>PERSON RECEIVING SUPPORT</b>

 [Privacy](#) • [Terms](#)

2:29 PM Tue Jan 4

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**Case Number:**

REDACTED

**County:**

KINGS

**Role:**

PERSON RECEIVING SUPPORT

**Status:**

OPEN

**Opened Date:**

05/07/2021

**Monthly Support:**

\$ 1,890.00

**Past Due Support Installment:**

\$ 50.00

**Past Due Support:**

0

**Total Amount Owed:**

\$ 1,828.09

If you have any questions about these amounts, please Contact Us.

## Support Orders

File Date	County	Court Case Number	Status
06/25/2019	KINGS	19FL-0112	HISTORIC
06/23/2021	KINGS	19FL-0112	ACTIVE

## Case Status History

Status	Date
OPEN	05/07/2021

## Legal Activities

No legal activities found



# **EXHIBIT 13**

**01-03-2022 January Support Payment**



ARMY  
MARINE CORPS  
NAVY  
AIR FORCE  
COAST GUARD  
SPACE FORCE  
VETERANS

## e-Checking - \*\*\*\*\*7270

### Available Balance

REDACTED

### Current Balance

REDACTED

### Last Statement Balance

Ending 12/12/2021

REDACTED

### Freeze Card Manage

### ► Additional Account Information

#### Scheduled Transactions ?

Date	Description	Type	Amount
There are no transactions to display.			

#### Transaction History

1,660.92

Date	Description	Check #	Type	Amount	Balance
Pending	ACH Transaction -		ACH Credit	\$1,660.92	REDACTED
REDACTED					

2:47 PM Tue Jan 4

27%

REDACTED

**cse.ca.gov**

California Child Support BIANCA RUIZ **REDACTE** Payments Logout

**Customer CONNECT** Home Payments Documents Messages Other Party

## Payments

Payments I Made Payments I Received

Print Page Print By Year

Receive Payments Electronically

Select the issue date to view more details.

Issue Date <b>i</b>	Amount <b>i</b>	Payment Method <b>i</b>	Paid Date <b>i</b>	Status <b>i</b>
01/03/2022	\$1,660.92	DIRECT DEPOSIT		ISSUED

REDACTED

 Privacy - Terms

# **EXHIBIT 14**

**12-13-2021 Notice of Appeal**

ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>NAME: BIANCA KAYLENE RUIZ</b> FIRM NAME: STREET ADDRESS: 1353 W BISON DR CITY: RIVERTON TELEPHONE NO.: 808-250-3396 E-MAIL ADDRESS: BIANCAKAYLENERUIZ@GMAIL.COM	STATE BAR NO.:  STATE: UT ZIP CODE: 84065 FAX NO.:	FOR COURT USE ONLY  FILED 12/13/2021 6:35 PM Nocona Soboleski, Clerk of Court Superior Court of the State of California County of Kings  <i>Megan Conway</i> Deputy <b>Megan Conway</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS</b> STREET ADDRESS: 1640 KINGS COUNTY DR MAILING ADDRESS: 1640 KINGS COUNTY DR CITY AND ZIP CODE: HANFORD 93230 BRANCH NAME: HANFORD COURTHOUSE		
<b>PLAINTIFF/PETITIONER: BIANCA KAYLENE RUIZ</b> <b>DEFENDANT/RESPONDENT: JACOB RYAN RUIZ</b>		
<input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b> <input type="checkbox"/> <b>CROSS-APPEAL</b> <b>(UNLIMITED CIVIL CASE)</b>		CASE NUMBER: <b>19FL-0112</b>

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.**

1. NOTICE IS HEREBY GIVEN that (name): BIANCA KAYLENE RUIZ

appeals from the following judgment or order in this case, which was entered on (date): DECEMBER 7, 2021

- Judgment after jury trial
- Judgment after court trial
- Default judgment
- Judgment after an order granting a summary judgment motion
- Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
- Judgment of dismissal after an order sustaining a demurrer
- An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
- An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)
- Other (describe and specify code section that authorizes this appeal):  
An order made appealable by the Probate Code or the Family Code (CCP 904.1(a)(10))

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

Date: DECEMBER 13, 2021

BIANCA KAYLENE RUIZ

(TYPE OR PRINT NAME)

*Bianca Ruiz*

(SIGNATURE OF PARTY OR ATTORNEY)

**PROOF OF ELECTRONIC SERVICE (Court of Appeal)**

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form.**

Case Name: RUIZ, BIANCA V. JACOB

Court of Appeal Case Number:

Superior Court Case Number: 19FL-0112

FILED  
12/13/2021 6:35 PM  
Nocona Soboleski, Clerk of Court  
Superior Court of the State of California  
County of Kings

 Deputy  
Megan Conroy

1. At the time of service I was at least 18 years of age.

2. a. My  residence  business address is (specify):

1353 W BISON DR, RIVERTON UT 84065

b. My electronic service address is (specify): CLINT.J.LINDSEY@GMAIL.COM

3. I electronically served the following documents (exact titles):

NOTICE OF APPEAL

4. I electronically served the documents listed in 3. as follows:

a. Name of person served: WAYNE HARDCASTLE

On behalf of (name or names of parties represented, if person served is an attorney):

RESPONDENT JACOB RYAN RUIZ

b. Electronic service address of person served: WAYNE@MHJ.LAW

c. On (date): DECEMBER 13, 2021

The documents listed in 3. were served electronically on the persons and in the manner described in an attachment (write "APP-009E, Item 4" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: DECEMBER 13, 2021

CLINT J LINDSEY

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

Page 1 of 1

# **EXHIBIT 15**

**12-15-2021 Appeal Record Designation**

ATTORNEY OR PARTY WITHOUT ATTORNEY <b>NAME: BIANCA KAYLENE RUIZ</b> FIRM NAME: STREET ADDRESS: 1353 W BISON DR CITY: RIVERTON TELEPHONE NO.: 808-250-3396 E-MAIL ADDRESS: BIANCAKAYLENERUIZ@GMAIL.COM ATTORNEY FOR (name): PETITIONER IN PRO PER		STATE BAR NUMBER: STATE: UT ZIP CODE: 84065 FAX NO.:	FOR COURT USE ONLY  FILED 12/15/2021 4:07 PM Nocona Soboleski, Clerk of Court Superior Court of the State of California County of Kings  <i>Megan Conroy</i> Deputy Megan Conroy
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS</b> STREET ADDRESS: 1640 KINGS COUNTY DRIVE MAILING ADDRESS: 1640 KINGS COUNTY DRIVE CITY AND ZIP CODE: HANFORD 93230 BRANCH NAME: HANFORD COURTHOUSE			
PLAINTIFF/PETITIONER: BIANCA KAYLENE RUIZ DEFENDANT/RESPONDENT: JACOB RYAN RUIZ OTHER PARENT/PARTY:			
<b>APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</b>		SUPERIOR COURT CASE NUMBER: 19FL-0112	
RE: Appeal filed on (date): 12-13-2021		COURT OF APPEAL CASE NUMBER (if known): <b>*AMENDED*</b>	

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.**

## 1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I choose to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court (check a, b, c, or d, and fill in any required information):

- a.  A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section (item 4) on pages 2 and 3 of this form.)
  - (1)  I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
  - (2)  I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):
    - (a)  An order granting a waiver of court fees and costs under rules 3.50–3.58; or
    - (b)  An application for a waiver of court fees and costs under rules 3.50–3.58. (Use *Request to Waive Court Fees* (form FW-001) to prepare and file this application.)
- b.  An appendix under rule 8.124.
- c.  The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, and Fourth Appellate Districts, permit parties to stipulate (agree) to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d.  An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)

## 2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I choose to proceed (you must check a or b below):

- a.  WITHOUT a record of the oral proceedings (what was said at the hearing or trial) in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in deciding whether an error was made in the superior court proceedings.

CASE NAME: RUIZ, BIANCA V. JACOB	SUPERIOR COURT CASE NUMBER: 19FL-0112
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2. b.  WITH the following record of the oral proceedings in the superior court (you must check (1), (2), or (3) below):

(1)  A reporter's transcript under rule 8.130. (You must fill out the reporter's transcript section (item 5) on pages 3 and 4 of this form.) I have (check all that apply):

- (a)  Deposited with the superior court clerk the approximate cost of preparing the transcript by including the deposit with this notice as provided in rule 8.130(b)(1).
- (b)  Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
- (c)  Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for (check either (i) or (ii)):

  - (i)  all of the designated proceedings.
  - (ii)  part of the designated proceedings.

- (d)  Attached a certified transcript under rule 8.130(b)(3)(C).

(2)  An agreed statement. (Check and complete either (a) or (b) below.)

- (a)  I have attached an agreed statement to this notice.
- (b)  All the parties have stipulated (agreed) in writing to try to agree on a statement. (You must attach a copy of this stipulation to this notice.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.

(3)  A settled statement under rule 8.137. (You must check (a), (b), or (c) below, and fill out the settled statement section (item 6) on page 4.)

- (a)  The oral proceedings in the superior court were not reported by a court reporter.
- (b)  The oral proceedings in the superior court were reported by a court reporter, but I have an order waiving fees and costs.
- (c)  I am asking to use a settled statement for reasons other than those listed in (a) or (b). (You must serve and file the motion required under rule 8.137(b) at the same time that you file this form. You may use form APP-025 to prepare the motion.)

### 3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE COURT OF APPEAL

I request that the clerk transmit to the Court of Appeal under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (give the title and date or dates of the administrative proceeding):

Title of Administrative Proceeding	Date or Dates
------------------------------------	---------------

### 4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(You must complete this section if you checked item 1a above indicating that you choose to use a clerk's transcript as the record of the documents filed in the superior court.)

a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed, or if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
(1) Notice of appeal	(1) 12-13-2021
(2) Notice designating record on appeal (this document)	(2) 12-15-2021
(3) Judgment or order appealed from	(3) 12-07-2021
(4) Notice of entry of judgment (if any)	
(5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (if any)	
(6) Ruling on one or more of the items listed in (5)	
(7) Register of actions or docket (if any)	

CASE NAME: RUIZ, BIANCA V. JACOB	SUPERIOR COURT CASE NUMBER: 19FL-0112
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**4. NOTICE DESIGNATING CLERK'S TRANSCRIPT**

b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in 4a. above to be included in the clerk's transcript, you must identify those documents here.)

I request that the clerk include in the transcript the following documents that were filed in the superior court proceeding. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

	Document Title and Description	Date of Filing
(8)	Plaintiff's Declaration re Respondent's TSP Account	12-06-2021
(9)	Plaintiff's Declaration in Response to Declaration re Job Search filed 11-24-2021	12-06-2021
(10)	Plaintiff's Objections to Evidence to Respondent's Reply Declaration filed 11-24-2021	12-02-2021
(11)	Plaintiff's Opposition to Respondent's Motion to Quash Plaintiff's Notice to Attend Hearing and Produce Documents	11-29-2021

See additional pages. (Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 4b," and start with number (12).)

c. **Exhibits to be included in clerk's transcript**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. (For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Rule 8.122(a)(3).))

	Exhibit Number	Description	Admitted (Yes/No)
(1)			
(2)			
(3)			
(4)			

See additional pages. (Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 4c," and start with number (5).)

**5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT**

You must complete both a and b in this section if you checked item 2b(1) above indicating that you choose to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.

a. **Format of the reporter's transcript**

I request that the reporters provide (check one):

- (1)  My copy of the reporter's transcript in electronic format.
- (2)  My copy of the reporter's transcript in paper format.
- (3)  My copy of the reporter's transcript in electronic format and a second copy in paper format.

(Code Civ. Proc., § 271.)

CASE NAME: RUIZ, BIANCA V. JACOB	SUPERIOR COURT CASE NUMBER: 19FL-0112
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5. b. **Proceedings**

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1) 12-07-2021	4	PARTIAL	REQUEST FOR ORDER HEARING	BRIANNA O'SULLIVAN	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(2)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. (Check here if you need more space to list additional proceedings. List these exhibits on a separate page or pages labeled "Attachment 5b," and start with number (5).)

6. **NOTICE DESIGNATING PROCEEDINGS TO BE INCLUDED IN SETTLED STATEMENT**

(You must complete this section if you checked item 2b(3) above indicating you choose to use a settled statement.) I request that the following proceedings in the superior court be included in the settled statement. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. (Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 6," and start with number (5).)

7. a. The proceedings designated in 5b or 6  include  do not include all of the testimony in the superior court.

b. If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal. (Rule 8.130(a)(2) and rule 8.137(d)(1) provide that your appeal will be limited to these points unless the Court of Appeal permits otherwise.) Points are set forth:  Below  On a separate page labeled "Attachment 7."

Date: 12-15-2021

BIANCA KAYLENE RUIZ

(TYPE OR PRINT NAME)

  
Bianca Ruiz

(SIGNATURE OF APPELLANT OR ATTORNEY)

FW-003

Order on Court Fee Waiver  
(Superior Court)

Clerk stamps date here when form is filed.

**FILED**

NOV 17 2021

NOCONA SOBOLESKI, CLERK OF COURT  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KINGS

DEPUTY

JUSTIN BROTHIERSON

Fill in court name and street address:

Superior Court of California, County of  
KINGS  
1640 KINGS COUNTY DRIVE  
HANFORD CA 93230

Fill in case number and name:

Case Number:

19FL-0112

Case Name:

RUIZ, BIANCA v. JACOB

1 Person who asked the court to waive court fees:

Name: BIANCA KAYLENE RUIZ

Street or mailing address: 1353 W BISON DR

City: RIVERTON State: UT Zip: 84065

2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):

PAUL LERANDEAU #143540

LACEY SANCHEZ #267180

LERANDEAU & LERANDEAU, LLC

265 E RIVER PARK CIRCLE, SUITE 490

FRESNO, CA 93720

3 A request to waive court fees was filed on (date): 11-15-2021

The court made a previous fee waiver order in this case on (date):

*Read this form carefully. All checked boxes  are court orders.*

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your:  Request to Waive Court Fees  Request to Waive Additional Court Fees  
the court makes the following orders:

a.  The court grants your request, as follows:

(1)  **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835

(2)  **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): \_\_\_\_\_

- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Your name: **BIANCA KAYLENE RUIZ**

Case Number:  
**19FL-0112**

Name and address of court if different from above:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**Warning!** If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

**NOV 17 2021**

Date: \_\_\_\_\_

Signature of (check one):

**Judicial Officer**

**Clerk, Deputy**

**BRIAN N. CHASE**  
**Request for Accommodations**



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

#### **Clerk's Certificate of Service**

I certify that I am not involved in this case and (check one):

I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.

A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**This is a Court Order.**

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF KINGS 1640 Kings County Drive Hanford California 93230	FOR COURT USE ONLY  <b>CONFORMED COPY ORIGINAL FILED ON</b> <b>NOV 19 2021</b> <small>RECEIVED IN CLERK'S OFFICE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF KINGS JB DEPUTY</small> <b>JUSTIN BROTHERSON</b>
PETITIONER: BIANCA KAYLENE RUIZ	
RESPONDENT: JACOB RYAN RUIZ	
<b>PROOF OF SERVICE</b>	CASE NUMBER: 19FL-0112

I hereby declare under penalty of perjury that I am employed by the Kings County Superior Court, over the age of eighteen (18) years, and not a party to the within action.

That on November 19, 2021, I served the following parties with Order on Court Fee Waiver by placing a true copy thereof, enclosed in a sealed envelope and deposited at my place of business for collection and mailing with the United States mail at Hanford, California, following our ordinary business practices with which I am readily familiar, addressed as follows:

Lacy Sanchez  
Lerandeau & Lerandeau, LLC  
265 E River Park Circle, Suite 490  
Fresno, CA 93720

Attorney for Petitioner

Executed on November 19, 2021 at Hanford, California.

Nocona Soboleski, Clerk of Court

JUSTIN BROTHERSON

By: Justin Brotherson, Deputy Clerk

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PROOF OF SERVICE

*Bianca Kaylene Ruiz v. Jacob Ryan Ruiz  
Kings County Superior Court # 19FL-0112  
4b Clerk's Transcript: Additional Documents  
Page 1 of 3*

	<b>DOCUMENT TITLE AND DESCRIPTION</b>	<b>FILED</b>
(12)	Reply Declaration of Respondent	11-24-2021
(13)	Declaration re Job Search	11-24-2021
(14)	Plaintiff Bianca Kaylene Ruiz' Declaration Regarding Respondent's Living Expenses	11-22-2021
(15)	Motion to Quash Petitioner's Notice to Respondent to Attend Hearing and Produce Documents	11-22-2021
(16)	Plaintiff's Objections to Evidence to Respondent's RFO filed 10-04-2021	11-18-2021
(17)	Responsive Declaration to Request for Order	11-18-2021
(18)	Notice of Stay of Proceedings	11-12-2021
(19)	Declaration of Bianca Kaylene Ruiz Rebutting the Cohabitation Presumption	11-12-2021
(20)	Notice to Respondent to Attend Hearing and Produce Documents	11-15-2021
(21)	Declaration of Bianca Kaylene Ruiz Regarding Funds Available to Respondent	11-05-2021
(22)	Declaration of Bianca Kaylene Ruiz Regarding Canyons School District	11-03-2021
(23)	Income and Expense Declaration	11-03-2021
(24)	Income and Expense Declaration	10-04-2021
(25)	Request for Order: Change: Child Support, Spousal or Partner Support, Attorney's Fees and Costs	10-04-2021
(26)	Minutes and Order	06-22-2021

*Bianca Kaylene Ruiz v. Jacob Ryan Ruiz  
Kings County Superior Court # 19FL-0112  
4b Clerk's Transcript: Additional Documents  
Page 2 of 3*

	<b>DOCUMENT TITLE AND DESCRIPTION</b>	<b>FILED</b>
(27)	Income and Expense Declaration	06-07-2021
(28)	Responsive Declaration to Request for Order	06-07-2021
(29)	Income and Expense Declaration	04-28-2021
(30)	Request for Order: Change: Child Support, Spousal or Partner Support, Attorney's Fees and Costs	04-28-2021
(31)	Proof of Service to Plaintiff's Declaration re Respondent's TSP Account; Plaintiff's Declaration in Response to Declaration re Job Search filed 11-24-2021	12-06-2021
(32)	Proof of Service to Plaintiff's Opposition to Respondent's Motion to Quash Plaintiff's Notice to Respondent to Attend Hearing and Produce Documents	11-29-2021
(33)	Proof of Service to Reply Declaration of Respondent and Declaration re Job Search	11-24-2021
(34)	Proof of Service to Plaintiff Bianca Kaylene Ruiz' Declaration Regarding Respondent's Living Expenses	11-23-2021
(35)	Proof of Service to Motion to Quash Petitioner's Notice to Respondent to Attend Hearing and Produce Documents	11-22-2021
(36)	Proof of Service to Plaintiff's Objections to Evidence to Respondent's RFO filed 10-04-2021; Responsive Declaration to Request for Order	11-18-2021
(37)	Proof of Service to Notice of Stay of Proceedings; Declaration of Bianca Kaylene Ruiz Rebutting the Cohabitation Presumption	11-12-2021
(38)	Proof of Service to Notice to Respondent to Attend Hearing and Produce Documents	11-15-2021

*Bianca Kaylene Ruiz v. Jacob Ryan Ruiz  
Kings County Superior Court # 19FL-0112  
4b Clerk's Transcript: Additional Documents  
Page 3 of 3*

	<b>DOCUMENT TITLE AND DESCRIPTION</b>	<b>FILED</b>
(39)	Proof of Service to Declaration of Bianca Kaylene Ruiz Regarding Funds Available to Respondent	11-08-2021
(40)	Proof of Service to Declaration of Bianca Kaylene Ruiz Regarding Canyons School District; Income and Expense Declaration Signed November 1, 2021	11-03-2021
(41)	Proof of Service to Request for Order, Income and Expense Declaration, etc.	11-04-2021
(42)	Proof of Service to Responsive Declaration to Request for Order; Declaration of Disclosure (Final); Income and Expense Declaration and Schedule of Assets and Debts.	06-07-2021
(43)	Proof of Service to Request for Order; Income and Expense Declaration	04-28-2021

<b>PROOF OF ELECTRONIC SERVICE (Court of Appeal)</b>	
<b>Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form.</b>	
Case Name: RUIZ, BIANCA V. JACOB Court of Appeal Case Number: Superior Court Case Number: 19FL-0112	

1. At the time of service I was at least 18 years of age.
2. a. My  residence  business address is (specify):  
1353 W BISON DR, RIVERTON UT 84065
- b. My electronic service address is (specify): CLINT.J.LINDSEY@GMAIL.COM
3. I electronically served the following documents (exact titles):  
APP-003 APPELANT'S NOTICE DESIGNATING THE RECORD ON APPEAL (UNLIMITED CIVIL CASE) \*AMENDED\*
4. I electronically served the documents listed in 3. as follows:
  - a. Name of person served: WAYNE HARDCASTLE  
On behalf of (name or names of parties represented, if person served is an attorney):  
JACOB RUIZ
  - b. Electronic service address of person served: WAYNE@MHJ.LAW
  - c. On (date): DECEMBER 15, 2021

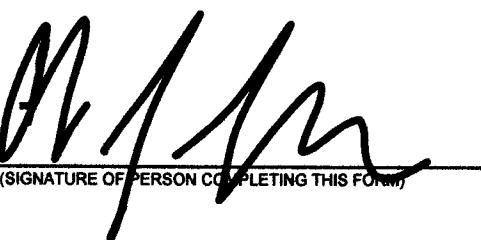
The documents listed in 3. were served electronically on the persons and in the manner described in an attachment (write "APP-009E, Item 4" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: DECEMBER 15, 2021

CLINT J LINDSEY

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

# **EXHIBIT 16**

**12-17-2021 Civil Case Information Statement**

Electronically RECEIVED on 12/17/2021 on 9:24:19 AM

Page 49 of 59

IN THE COURT O

Electronically FILED on 12/17/2021 by WMCCOY, Deputy Clerk

<b>COURT OF APPEAL, FIFTH</b>		<b>APPELLATE DISTRICT, DIVISION</b>	COURT OF APPEAL CASE NUMBER ( <i>if known</i> ):
ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>STATE BAR NO:</b>		<b>F083648</b>	
NAME: <b>BIANCA KAYLENE RUIZ</b>		FOR COURT USE ONLY	
FIRM NAME:			
STREET ADDRESS: <b>1353 W BISON DR</b>		STATE: <b>UT</b>	ZIP CODE: <b>84065</b>
CITY: <b>RIVERTON</b>		FAX NO.:	
TELEPHONE NO.: <b>808-250-3396</b>			
E-MAIL ADDRESS: <b>BIANCAKAYLENERUIZ@GMAIL.COM</b>			
ATTORNEY FOR ( <i>name</i> ): <b>APPELLANT IN PRO PER</b>			
APPELLANT: <b>BIANCA KAYLENE RUIZ</b>			
RESPONDENT: <b>JACOB RYAN RUIZ</b>			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS</b>			
STREET ADDRESS: <b>1640 KINGS COUNTY DRIVE</b>			
MAILING ADDRESS: <b>1640 KINGS COUNTY DRIVE</b>			
CITY AND ZIP CODE: <b>HANFORD 93230</b>			
BRANCH NAME: <b>HANFORD COURTHOUSE</b>			
JUDGES ( <i>all who participated in case</i> ): <b>COMMISSIONER BRIAN N. CHASE</b>		SUPERIOR COURT CASE NUMBER:	
		<b>19FL-0112</b>	
<b>CIVIL CASE INFORMATION STATEMENT</b>			
<p><b>NOTE TO APPELLANT:</b> You must file this form with the clerk of the Court of Appeal within 15 days after the clerk mails you the notification of the filing of the notice of appeal required under rule 8.100(e)(1). You must attach to this form a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered"). A copy of this form must also be served on the other party or parties to this appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2) or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).</p>			

**A. APPEALABILITY****PART I – APPEAL INFORMATION**

## 1. Appeal is from:

Judgment after jury trial  
 Judgment after court trial  
 Default judgment  
 Judgment after an order granting a summary judgment motion  
 Judgment of dismissal under Code Civ. Proc., § 581d, 583.250, 583.360, or 583.430  
 Judgment of dismissal after an order sustaining a demurrer  
 An order after judgment under Code Civ. Proc., § 904.1(a)(2)  
 An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)  
 Other (*describe and specify code section that authorizes this appeal*):

## 2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?

Yes  No (If no, please explain why the judgment is appealable): **AN ORDER MADE APPEALABLE BY THE FAMILY CODE.**

**B. TIMELINESS OF APPEAL (Provide all applicable dates.)**1. Date of entry of judgment or order appealed from: **12-07-2021**2. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.104: **12-07-2021**

3. Was a motion for new trial, for judgment notwithstanding the verdict, for reconsideration, or to vacate the judgment made and denied?

Yes  No (If yes, please specify the type of motion):

Date notice of intention to move for new trial (if any) filed:

Date motion filed:

Date motion denied:

Date denial served:

4. Date notice of  appeal or  cross-appeal filed: **12-13-2021****C. BANKRUPTCY OR OTHER STAY**

Is there a related bankruptcy case or a court-ordered stay that affects this appeal?  Yes  No  
*(If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)*

Page 1 of 4

APPELLATE CASE TITLE: RUIZ V. RUIZ	APPELLATE COURT CASE NUMBER: F083648
---------------------------------------	---

D. APPELLATE CASE HISTORY (Provide additional information, if necessary, on attachment I.D.) Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court?  
 Yes  No (If yes, insert name of appellate court):

Appellate court case no.: Title of case:

Name of trial court: Trial court case no.:

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a notice of appeal, petition, or brief, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute?

Yes  No (If yes, please indicate the rule or statute that applies)

<input type="checkbox"/> Rule 8.29 (e.g., constitutional challenge; state or county party)	<input type="checkbox"/> Code Civ. Proc., § 1355 (Escheat)
<input type="checkbox"/> Bus. & Prof. Code, § 16750.2 (Antitrust)	<input type="checkbox"/> Gov. Code, § 946.6(d) (Actions against public entities)
<input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act)	<input type="checkbox"/> Gov. Code, § 4461 (Disabled access to public buildings)
<input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising)	<input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act)
<input type="checkbox"/> Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney)	<input type="checkbox"/> Health & Saf. Code, § 19954.5 (Accessible seating and accommodations)
<input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing)	<input type="checkbox"/> Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations)
	<input type="checkbox"/> Pub. Resources Code, § 21167.7 (CEQA)
	<input type="checkbox"/> Other (specify statute):

NOTE: The rule and statutory provisions listed above require service of a copy of a party's notice of appeal, petition, or brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply.

## PART II – NATURE OF ACTION

A. Nature of action (check all that apply):

1.  Conservatorship
2.  Contract
3.  Eminent domain
4.  Equitable action a.  Declaratory relief b.  Other (describe):
5.  Family law
6.  Guardianship
7.  Probate
8.  Real property rights a.  Title of real property b.  Other (describe):
9.  Tort
  - a.  Medical malpractice
  - b.  Product liability
  - c.  Other personal injury
  - d.  Personal property
10.  Trust proceedings
11.  Writ proceedings in superior court
  - a.  Mandate (Code Civ. Proc., § 1085)
  - b.  Administrative mandate (Code Civ. Proc., § 1094.5)
  - c.  Prohibition (Code Civ. Proc., § 1102)
  - d.  Other (describe):
12.  Other action (describe):

B.  This appeal is entitled to calendar preference/priority on appeal (cite authority):

APPELLATE CASE TITLE: RUIZ V. RUIZ	APPELLATE COURT CASE NUMBER: F083648
---------------------------------------	---

### PART III – PARTY AND ATTORNEY INFORMATION

In the spaces below or on a separate page or pages, list all the parties and all their attorneys of record who will participate in the appeal. For each party, provide all of the information requested on the left side of the page. On the right side of the page, if a party is self-represented please check the appropriate box and provide the party's mailing address, telephone number, fax number, and e-mail address. If a party is represented by an attorney, on the right side of the page, check the appropriate box and provide all of the requested information about that party's attorney.

Responses to Part III are attached instead of below

Name of Party: BIANCA KAYLENE RUIZ  Appellate court designation: <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Represented by attorney <input checked="" type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: Mailing address: 1353 W BISON DR, RIVERTON UT 84065  Telephone no.: 808-250-3396 Fax no: E-Mail address: BIANCAKAYLENERUIZ@GMAIL.COM
Name of Party: JACOB RYAN RUIZ  Appellate court designation: <input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input checked="" type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: WAYNE HARDCastle State Bar no: 074520 Firm name: MAROOT. HARDCastle & JOLLY Mailing address: 429 N REDINGTON ST, HANFORD CA 93230  Telephone no.: 559-584-0131 Fax no: 559-584-7625 E-Mail address: WAYNE@MHJ.LAW
Name of Party: DEPARTMENT OF CHILD SUPPORT  Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (specify): REAL PARTY IN INTEREST	<input checked="" type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: COUNTY OF KINGS Mailing address: 312 WEST 7TH STREET STE 201, HANFORD CA 93230  Telephone no.: Fax no: E-Mail address:
Name of Party:  Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: Mailing address:  Telephone no.: Fax no: E-Mail address:

Additional pages attached

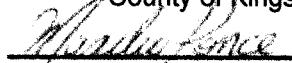
Date:

DECEMBER 16, 2021

This statement is prepared and submitted by:



(SIGNATURE OF ATTORNEY OR SELF-REPRESENTED PARTY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  BIANCA KAYLENE RUIZ 1353 W BISON DR RIVERTON UT 84065		FOR COURT USE ONLY  FILED 11/12/2021 8:00 AM Nocona Soboleski, Clerk of Court Superior Court of the State of California County of Kings   Marilu Ponce Deputy
TELEPHONE NO.: 808-250-3396 FAX NO. (Optional):  E-MAIL ADDRESS (Optional): BIANCAKAYLENERUIZ@GMAIL.COM		ATTORNEY FOR (Name):  SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS STREET ADDRESS: 1640 KINGS COUNTY DRIVE MAILING ADDRESS: 1640 KINGS COUNTY DRIVE CITY AND ZIP CODE: HANFORD 93230 BRANCH NAME: HANFORD COURTHOUSE
PLAINTIFF/PETITIONER: BIANCA KAYLENE RUIZ DEFENDANT/RESPONDENT: JACOB RYAN RUIZ		
NOTICE OF STAY OF PROCEEDINGS		CASE NUMBER: 19FL-0112
		JUDGE: HON. BRIAN CHASE DEPT.: 4

**To the court and to all parties:**

1. Declarant (name): BIANCA KAYLENE RUIZ
  - a.  is  the party  the attorney for the party who requested or caused the stay.
  - b.  is  the plaintiff or petitioner  the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.
2. This case is stayed as follows:
  - a.  With regard to all parties.
  - b.  With regard to the following parties (specify by name and party designation):
3. Reason for the stay:
  - a.  Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
  - b.  Order of a federal court or of a higher California court. (Attach a copy of the court order.)
  - c.  Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
  - d.  Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
  - e.  Other:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: NOVEMBER 11, 2021

BIANCA KAYLENE RUIZ

(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE)

United States Bankruptcy Court  
District of Utah



**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 11/10/2021 at 3:31 PM and filed on 11/10/2021.

**Bianca Kaylene Ruiz**  
1353 West Bison Drive  
Riverton, UT 84065  
808-250-3396  
SSN / ITIN: xxx-xx-4651

The case was assigned case number 21-24823.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.utb.uscourts.gov/> or at the Clerk's Office, 350 South Main #301, Salt Lake City, UT 84101.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**David A. Sime**  
**Clerk, U.S. Bankruptcy Court**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF KINGS**

<b>CONFORMED COPY</b>	
<i>Not to be Used Only</i>	
<b>ORIGINAL FILED ON</b>	
<b>DEC 07 2021</b>	
NOCONA SUBCLERK, DEPUTY OF COURT SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF KINGS	
DEPUTY	

**BIANCA KAYLENE RUIZ,**  
Petitioner

vs.

**JACOB RYAN RUIZ,**  
Respondent.

Date: December 7, 2021 Case Number: 19FL0112

Court Commissioner: Brian N. Chase

Clerk: Danielle Vesper / Rebecca Sanchez

Court Reporter: Brianna O'Sullivan

Bailiff: Nathaniel Hunt

Attorneys:

Petitioner: Pro Per

Respondent: V. Wayne Hardcastle

Other Parent:

**MINUTES AND  ORDER**

**NATURE OF HEARING:**  Request for Order  Support  Fees & Costs  Spousal Support

Certified. Language  
Interpreter assisting

Petitioner present with counsel via BlueJeans  
 Respondent present via BlueJeans with counsel

THE COURT ORDERS  MATTER TO BE CONTINUED TO March 10, 2022 AT 1:30 p.m. in Department 4  
For Evidentiary Hearing

MATTER TO BE CONTINUED TO March 11, 2022 AT 8:15 a.m. in Department 4  
For Evidentiary Hearing

Petitioner  Respondent  Other Parent was served:  personally on  by mail on 10/04/2021.  
 proof of service on file.  response on file.

Case called at 2:36 p.m. Discussions held regarding Request for Order filed by attorney Sanchez that is currently set for hearing 12/27/2021. Parties stipulate to advance the hearing on Motion to be Relieved as Counsel set for hearing 12/27/2021 to be heard today. Petitioner stipulates to relieve attorney Sanchez. Court deems attorney Lacey Sanchez relieved as Counsel and Petitioner is proceeding in Pro Per.

Counsel Hardcastle agrees to email a copy of today's Minute Order to Counsel Sanchez.

Counsel Hardcastle states his clients position for the record.

Discussions held. 3:07 p.m. Court takes recess.

3:55 p.m. case is recalled. All parties present again. Discussions held.

Court notes Petitioner's bankruptcy number 21-24823.

Court attaches the DissoMaster Calculation that was relied upon to make the current order filed 06/22/2021 to today's Minute Order for reference purposes only.

Counsel Hardcastle states his client has 2002 Nissan Xterra and a Subaru.

Petitioner states she has a 2013 Audi in her possession.

Court notes based on the current circumstances and evidence before the Court, it does not make an order for attorney fees and costs.

Counsel Hardcastle states the Respondent has made three payments of \$506.85 for the 2013 Audi as of today's date. Court provides Petitioner with a copy of local rules 722.

Witness and exhibit lists shall be exchanged and filed no later than 10 days before next hearing. The exhibits do not get filed with the Court but shall be exchanged no later than 10 days before next hearing and 4 copies of each exhibit shall be brought to the next hearing.

Petitioner shall use letters for their exhibits and Respondent shall use numbers for their exhibits.

Counsel Hardcastle and Petitioner both consent to electronic service.

**COURT ORDERS:**

Court adopts the  in full  with modifications  see attachment(s)

Matter referred to formal child custody recommending counseling. Appointment set for at with  All documents to be seen by child custody recommending counselor to be submitted days prior to appointment. may call in for the counseling appointment.

legal custody to  physical care & custody of minor to .

Primary residence with to maintain health insurance for the if available at a nominal or reasonable cost.

Each party pay for one-half of  uncovered health care expenses  work/school related childcare expenses.

Each party to arrange and pay their own childcare expenses.

to pay attorney fees in the sum of payable at the rate of per commencing  with 10 day acceleration clause.

Firearm restriction granted.  Unlawful communication maybe recorded.

Personal conduct restraint imposed as to;  Petitioner  Respondent

Property restraint issued as to;  Petitioner  Respondent  Mutually  shall have use of:  Residence  Vehicle   stay from  residence  work place  school  child care facility  vehicle  Other.

Restraining orders  temporary, pending next hearing  remain in full force & effect for months

Exception(s):

Stipulation approved and ordered

to pay Child Support at the rate of per on the day of each commencing .

to pay Spousal Support at the rate of per on the day of each commencing .

Parties agree this is a non-guideline order and that the needs of the will be met.

to pay support arrearage of at the rate of per commencing .

Prior support orders remain in effect.  joined into case.

Wage assignment granted.  Support payable to Department of Child Support Services

**VISITATION:**

Name of Child	Date of Birth	Monthly Guideline Support
Kevin Ruiz	9/21/2009	
Bethany Ruiz	4/26/2011	

is to have visitation on the weekend of the month from at until at

Parties share a week to week custodial arrangement, exchanges on at

Alternate weekends starting: with from at until at

visitation as follows:

Holidays and special occasions shall take precedence over the regular scheduled plan and shall not break the continuity of the plan.

If Monday is a holiday, visitation shall extend to

Supervised visitation  Supervisor . Visits will be supervised according to the 2014 California Rules of Court, Standard 5.20.  Costs

to submit to test  and each pay for their own test.  submit to random testing  and each pay for their own test.

to pay for test in advance and provide notification to to appear for test within of notice depending on labs availability. If positive the is to reimburse . Any missed test is presumed a positive test. to refrain from alcohol use hours prior to and during visitation. to totally refrain from illegal drug use.

If during the visit, there is a concern for well being, law enforcement should be called.

Visitation if either party is under influence.

No visitation with



PREPARED BY (NAME AND ADDRESS): <b>Commissioner Brian N. Chase</b> <b>Kings County Superior Court</b>  <b>California</b>	TELEPHONE NO.:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>DISSOMASTER REPORT</b> 2021, Monthly		CASE NUMBER:

Input Data	Father	Mother	Guideline (2021)	Cash Flow Analysis	Father	Mother
Number of children	0	2	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Secondary Parent	15%	0%	Father	5,225 Payment (cost)/benefit	(2,048)	2,076
Filing status	Single	HH/MLA	Mother	2,607 Net spendable income	3,149	4,684
# Federal exemptions	1*	3*	Total	7,832 % combined spendable	40.2%	59.8%
Wages + salary	3,882	1,807	<b>Support (Nondeductible)</b>	Total taxes	729	(800)
401(k) employee contrib	0	0	CS Payor	Father # WHA	2	4
Self-employment income	0	0	Presumed	1,690 Net wage paycheck/mo	3,116	1,634
Other taxable income	0	0	Basic CS	1,690 Comb. net spendable	7,832	
Other nontaxable income	2,102	0	Add-ons	0 Proposed		
New-spouse income	~0	0	Presumed Per Kid	Payment (cost)/benefit	(2,518)	2,549
Wages + salary	0	0	Child 1	580 Net spendable income	3,244	4,656
Self-employment income	0	0	Child 2	1,110 NSI change from gdl	95	(28)
Misc ordinary tax, inc.	0	0	SS Payor	Father % combined spendable	41.1%	58.9%
SS paid other marriage	0	0	Kings	386 % of saving over gdl	140.7%	-40.7%
Retirement contrib if ATI	0	0	Total	2,076 Total taxes	161	(300)
Required union dues	0	0	<b>Proposed, tactic 9</b>	# WHA	10	3
Nec job-related exp.	0	0	CS Payor	Father Net wage paycheck/mo	3,517	1,601
Adj. to income (ATI)	0	0	Presumed	1,914 Comb. net spendable	7,900	
SS paid other marriage	0	0	Basic CS	1,914 Percent change	0.9%	
Partner support paid other partnerships	0	0	Add-ons	0 Default Case Settings		
CS paid other relationship	0	0	Presumed Per Kid			
Qual. Bus. Inc. Ded.	0	0	Child 1	732		
Health insurance	30	0	Child 2	1,182		
Itemized deductions	0	0	SS Payor	Father		
Other medical expenses	0	0	Kings	634		
Property tax expenses	0	0	Total	2,548		
Ded. interest expense	0	0	Savings	68		
Charitable contribution	0	0	Total releases to Father	2		
Miscellaneous itemized	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF,SSI and CS received	0	0				



Electronically RECEIVED on 12/17/2021 on 9:24:19 AM

APPELLATE CASE TITLE:

RUIZ V. RUIZ

APPELLATE COURT CASE NUMBER:

F083648

NOTICE TO PARTIES: A copy of this form must be served on the other party or parties to this appeal. If served by mail or personal delivery, A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. Electronic service is authorized only if ordered by the court or if the party served has agreed to accept electronic service. A person who is at least 18 years old must complete the information below and serve all pages of this document. When all pages of this document have been completed and a copy served, the original may then be filed with the court.

## PROOF OF SERVICE

 Mail Personal Service Electronic Service

1. At the time of service I was at least 18 years of age.
2. My residence or business address is (specify):  
1353 W BISON DR  
RIVERTON UT 84065
3. I mailed, personally delivered, or electronically served a copy of the *Civil Case Information Statement (Appellate)* as follows (complete a, b, or c):
  - a.  Mail. I am a resident of or employed in the county where the mailing occurred and am not a party to this legal action.
    - (1) I enclosed a copy in an envelope and
      - (a)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
      - (b)  placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
    - (c) Date of mailing:
    - (d) Place of mailing (city and state):
  - b.  Personal delivery. I am not a party to this legal action. I personally delivered a copy as follows:
    - (1) Name of person served:
    - (2) Address where delivered:
    - (3) Date delivered:
    - (4) Time delivered:
  - c.  Electronic service. My electronic service address is (specify): CLINT.J.LINDSEY@GMAIL.COM I electronically served a copy as follows:
    - (1) Name of person served: WAYNE HARDCastle
    - (2) Electronic service address of person served: WAYNE@MHJ.LAW
    - (3) On (date): 12-16-2021

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-16-2021

CLINT J. LINDSEY

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

Electronically RECEIVED on 12/17/2021 on 9:24:19 AM

APP-004

APPELLATE CASE TITLE:

RUIZ V. RUIZ

APPELLATE COURT CASE NUMBER:

F083648

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Personal Service

Electronic Service

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(2) The envelope was addressed and mailed as follows:

(a) Name of person served: DEPARTMENT OF CHILD SUPPORT SERVICES

(b) Address on envelope:

COUNTY OF KINGS  
312 W 7TH ST SUITE 201  
HANFORD, CA 93230

(c) Date of mailing: 12-16-2021

(d) Place of mailing (city and state): DRAPER UT

b.  Personal delivery. I am not a party to this legal action. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

c.  Electronic service. My electronic service address is (specify):

I electronically served a copy as follows:

(1) Name of person served:

(2) Electronic service address of person served:

(3) On (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-16-2021

CLINT J. LINDSEY

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)